

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF NEW YORK

Return Date: January 9, 2025
Time: 10:00 a.m.

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In re:

Chapter 13
Case No.: 24-44808-206

JOSEPH ANTHONY BASILE

Debtor(s)

NOTICE OF MOTION

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SIRS / MADAMS:

PLEASE TAKE NOTICE, that MICHAEL J. MACCO, Chapter 13 Trustee of the above captioned estate, will move before the Honorable Jil Mazer-Marino, United States Bankruptcy Judge, on the 9th, day of JANUARY, 2025 at 10:00AM, at the United States Bankruptcy Court located at 271 Cadman Plaza East – Courtroom 3529, Brooklyn, New York 11201, for an Order pursuant to 11 U.S.C. §§521 & 1307(c), dismissing this case, by reason of the debtor(s)' failure to submit monthly pre-confirmation payments, failure to provide and/or file documents, failure to appear, and/or, be examined at §341 meeting of creditors, and for such other and further relief as this Court deems just and proper.

PLEASE TAKE NOTICE, that the hearing shall not be held in person but shall be held telephonically or by video. Those intending to appear at the hearing must register with eCourt Appearances no later than two (2) days prior to the hearing. The phone number or video link for the hearing will be emailed to those that register with eCourt Appearances in advance of the hearing. Instructions for registering with eCourt Appearances can be found at <https://www.nyeb.uscourts.gov/node/2126>. If you do not have internet access or are otherwise unable to register with eCourt Appearances, you may call or email Judge Mazer-Marino's courtroom deputy for instructions at (347)394-1844, jmm_hearings@nyeb.uscourts.gov.

PLEASE TAKE NOTICE, that the hearing on the Motion may be adjourned without notice other than announcement in open Court.

PLEASE TAKE FURTHER NOTICE, that answering papers, if any, shall be filed with the Court and served on the undersigned no later than seven (7) days prior to the return date of this motion.

Dated: Islandia, New York
December 18, 2024

Yours, etc.

MICHAEL J. MACCO
Chapter 13 Trustee
2950 Express Drive South, Suite 109
Islandia, NY 11749
(631) 549-7900

To: *Office of the United States Trustee*
JOSEPH ANTHONY BASILE, Pro-Se Debtor(s)
All Interested Parties and Creditors

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF NEW YORK

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tmm1634

In re:

Chapter 13

Case No.: 24-44808-206

JOSEPH ANTHONY BASILE

Debtor(s)

APPLICATION

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TO THE HONORABLE JIL MAZER-MARINO, UNITED STATES BANKRUPTCY JUDGE:

MICHAEL J. MACCO, Chapter 13 Trustee of the above captioned estate, respectfully represents, as follows:

1. The debtor(s) filed a petition under the provisions of 11 U.S.C. Chapter 13 on November 17, 2024, and thereafter MICHAEL J. MACCO was duly appointed and has qualified as Trustee.
2. As of the date of this motion, the debtor(s) has failed to submit any monthly pre-confirmation payments to the Trustee.
3. In addition, as of this date the debtor(s) has failed to file and/or provide to the Trustee; a Chapter 13 Plan in the proper district form, Certificate of Credit Counseling; Statement of Financial Affairs accurately answering all questions completely and accurately; Statement of Current Monthly Income and Means Test fully completed; complete set of schedules that accurately lists all assets and liabilities, income and expenses; copies of pay statements from employer for sixty (60) day period preceding filing, within the fifteen (15) day period required under the Bankruptcy Code.
4. Furthermore, as of this date the debtor has failed to provide the Trustee with copies of previous year's State and Federal Tax Returns; all filings required under Section 521; and all mandatory disclosure documentation as set forth in Local Bankruptcy Rule 2003-1.
5. Moreover, the debtor failed to appear, and/or, be examined at the initial §341 meeting of creditors, held on, December 17, 2024 at 11a.m.
6. This is a material default and is prejudicial to the rights of the creditors of the debtor.

WHEREFORE, the Trustee requests an Order pursuant to the provisions of 11 U.S.C. §§521 & 1307(c), dismissing this case, and for such other and further relief as this Court deems just and proper.

Dated: Islandia, New York
December 18, 2024

/s/ Michael J. Macco

Michael J. Macco, Chapter 13 Trustee
2950 Express Drive South, Suite 109
Islandia, NY 11749
(631) 549-7900

**CERTIFICATE OF SERVICE
BY MAIL AND ELECTRONIC
SERVICE**

This is to certify that I, Saniyyah S. Greene, have this day served a true, accurate and correct copy of the within ***Notice of Motion and Application***, by depositing a true copy of same, enclosed in a post-paid, properly addressed wrapper in an official depository under the exclusive care and custody of the United States Postal Service within the State of New York:

*Joseph Anthony Basile
9 Prague Ct
Staten Island, NY 10309
Debtor, Pro Se*

and upon the following parties, by the e-mail address designated by said parties for that purpose;

*Office of the United States Trustee
U.S. Federal Office Building
USTP.Region02.BR.TFRTDR@usdoj.gov*

*Ally Bank
c/o Roach & Lin PC
Attn: Jacqueline Kelly
jacqueline.kelly@roachlin.com
Creditor(s)*

*First Bank
c/o Capehart & Schatchard PA
Attn: Sergio I Scuteri
sscuteri@capehart.com
Creditor(s)*

This December 18, 2024

/s/ Saniyyah S. Greene
Saniyyah S. Greene, Paralegal
Office of the Standing Chapter 13 Trustee
Michael J. Macco, Esq.
2950 Express Drive South, Suite 109
Islandia, NY 11749
631-549-7908